

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Voluntary)	
)	
Surrender of the Educator)	CONSENT ORDER OF
)	
Certificate of Shane D. Hastings)	VOLUNTARY SURRENDER
)	
Certificate # 204924)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on July 21, 2004. On November 14, 2003, the South Carolina Department of Education (Department) sent Mr. Shane D. Hastings a notice of his right to a hearing before the State Board concerning the possible suspension or revocation of his South Carolina educator certificate (certificate) number 204924 by certified mail, return receipt, restricted delivery, and regular mail. Mr. Hastings received the notice as evidenced by a postal receipt bearing his signature and initially requested a hearing. A hearing was scheduled for August 26, 2004, before Geraldine H. Urbanic, Esquire, a hearing officer appointed by the State Board. Prior to that date the Department offered Mr. Hastings an alternative resolution in lieu of the hearing where the Department would seek the revocation of his certificate. Mr. Hastings agreed, through his attorney, Cory H. Fleming, Esquire to the voluntary surrender of his certificate. The agreement gives Mr. Hastings the right to apply for the reinstatement of his certificate after three years from the date of this order. If he chooses to apply for reinstatement, Mr. Hastings must pass a character fitness review by the State Board. This surrender will be reported to the NASDTEC Clearinghouse and all South Carolina school districts on the grounds of unprofessional conduct. After considering the evidence presented, the State Board voted to accept the voluntary surrender of Mr. Hastings's certificate upon the terms set forth above.

Mr. Hastings holds a valid South Carolina certificate with over three years of teaching experience. Mr. Hastings held a contract for 2003-2004 with Jasper County School District, as the Physical Education teacher at West Hardeeville Elementary School. On September 3, 2003, Mr. Hastings was accused of striking a ten-year old male student hard in the chest. The boy was apparently coming out of the restroom with another student and they were playing around in the hallway. Mr. Hastings came out of his office yelling at the boys to stop. Mr. Hastings claimed that he put his hand up to one boy and he accidentally hit the other boy in the chest area. Mr. Hastings stated that he didn't mean to hit the boy so hard.

Shane D.
Hastings
#204924

Initials

Date

Mr. Hastings was suspended without pay on September 3, 2003, and submitted a letter of resignation on October 3, 2003, stating he was relocating out of state. An incident report for simple assault was filed with law enforcement.

Additionally during the 2001-2002 school year Mr. Hastings was employed with Hampton County School District Two. Mr. Hastings resigned from the District on October 25, 2001, following a recommendation for termination made by the District Superintendent. The recommendation resulted from an allegation that on September 6, 2001, Mr. Hastings kicked a seventh grade special education student in the buttocks, which required medical attention. Mr. Hastings claimed that he gently tapped the student with his shoe (since he had gloves on to clean up blood that was on the floor) to move him away from the blood. The student and several other students that witnessed the incident stated that Mr. Hastings kicked the boy in the buttocks and refused to allow him to go to the office.

CONCLUSIONS OF LAW

“The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person.” S.C. Code Ann. § 59-25-150 (2004). Just cause includes “(4) Unprofessional conduct ...(11) Evident unfitness for the position for which employed....” S.C. Code Ann. § 59-25-160 (2004). The State Board finds that there was substantial evidence presented to support its decision to accept the voluntary surrender of Mr. Hastings’s certificate # 204924, effective July 21, 2004, upon the conditions set forth above.

South Carolina State Board of Education

By: /S/ Mary E. Jones

Dr. Mary E. Jones

Chair

Columbia, South Carolina

July 21, 2004

I, Shane D. Hastings, SC Teaching Certificate # 204924, do hereby agree to the proposed Consent Order of Voluntary Surrender, consisting of two pages, and understand that this Order will be presented as signed to the State Board of Education on Wednesday, July 21, 2004, for approval.

/S/ Shane D. Hastings
Shane D. Hastings

8/5/04
Date